

REMARKS

1. Claim amendments

Claims 1-3 and 10 have been amended to remove “configured to” language to which the Office objected. Claim 1 has also been amended to recite that the bottom surface of each well comprises no aperture. Support for this amendment is provided, for example, in Figure 3, which depicts a bottom surface (22) having no aperture. The scope of the claims is unchanged by way of this amendment. Claims 2 and 3 have also been amended for clarity.

The Applicants note that the recited amendments are based on the claims that were pending when the Final Office Action was issued on March 17, 2008. In a previous Response, filed May 19, 2008, the Applicants amended claims 2 and 3. The Applicants believe that those amendments have not been entered for purposes of filing the present Request for Continued Examination (RCE).

2. Claim objections

The Office has objected to claims 2 and 3 because they employ “configured to” language. The Applicants have amended claims 2 and 3 (and also claims 1 and 10) so that the claims no longer employ “configured to” language to describe a structural feature.

3. Anticipation rejections

a. Roberts does not anticipate the amended claims.

The Office has maintained its rejection of claims 1-3, 5, 7, 8, 10, and 11 under 35 USC § 102(e) as being allegedly anticipated by U.S. Patent Application Publication No. 2003/0143124 of Roberts, *et al.* (hereinafter, “Roberts”). The Applicants respectfully traverse.

As amended, claim 1 recites that the bottom surface of each well comprises no aperture. The duck-billed valve described in Roberts has a preexisting aperture. Therefore, Roberts fails to describe a feature recited in claim 1 of the instant application. Because Roberts has neither expressly nor inherently described every claimed feature of claim 1, Roberts cannot anticipate claim 1. Accordingly, neither does Roberts anticipate dependent claims 2, 3, 5, 7, 8, 10, and 11.

The applicants again note that Roberts has an effective priority date that falls after the filing date of the provisional application to which the instant application claims priority. But as Roberts does not anticipate claim 1 of the instant application, the Applicants need not address

whether Roberts qualifies as prior art under 102(e). The Applicants make no admission (implied or otherwise) regarding whether Roberts is prior art to the instant application.

b. Berray does not anticipate the amended claims.

The Office has again rejected claims 1-3, 5, 7, 8, 10, and 11 as being allegedly anticipated by U.S. Patent Application Publication No. 2002/0187077 of Berray, *et al.* (hereinafter, “Berray”). The Applicants respectfully traverse.

As amended, claim 1 no longer employs the use of “configured to” language. Claim 1 recites a well that “matingly seals...a bottom portion of a corresponding perforated well....” Thus, the claim describes a well-like structure that seals the bottom portion of the corresponding perforated well.

In contrast, Berray discloses plugs that seal the corresponding wells. Nowhere does Berray disclose well-like structures that seal the corresponding wells. The Office directs the Applicants to the indentations (22) that appear on Berray’s sealing mat, depicted in Figures 4 and 5. In every embodiment in Berray, these indentations face away from the well openings. Berray discloses no embodiment where these indentations ever seal the corresponding wells.

Because Berray fails to disclose a well-like structure that matingly seals the opening of the corresponding well, Berray cannot anticipate claim 1 of the instant application. Accordingly, neither does Berray anticipate dependent claims 2, 3, 5, 7, 8, 10, and 11.

The applicants again note that Berray has a publication date that post-dates the priority date of the present application. But as Berray does not anticipate claim 1 of the instant application, the Applicants need not address whether Berray qualifies as prior art under 102(b). The Applicants make no admission (implied or otherwise) regarding whether Berray is prior art to the instant application.

c. Conclusion

For the foregoing reasons, neither Roberts nor Berray anticipate claim 1 of the instant application. Therefore, the Applicants respectfully request the reconsideration and withdrawal of these anticipation rejections.

If the Examiner has any questions or comments regarding this Response, he is encouraged to contact the undersigned as indicated below.

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